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July 25, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands – WT Docket No. 03-66 – NOTICE OF WRITTEN EX PARTE PRESENTATION*

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b)(2) of the Commission's Rules to report that on July 25, 2017, the attached letter was submitted on behalf of David Moore, representing the Catholic Technology Network, and Lynn Rejniak, representing the National EBS Association, to Nicholas Degani and Rachael Bender from Chairman Pai's office regarding the above-referenced proceeding. Pursuant to Sections 1.1206(b)(2) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission.

Respectfully submitted,

/s/ Edwin N. Lavergne

Edwin N. Lavergne

cc Todd Gray
Jim Schlichting
Charles Eberle
Blaise Scinto
John Schauble
Nadja Sodos-Wallace
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July 25, 2107

Nicholas Degani
Senior Counsel
Chairman Ajit Pai
Federal Communications Commission
445 Twelfth Street, SW
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Rachael Bender
Wireless and International Advisor
Chairman Ajit Pai
Federal Communications Commission
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Re: WT Docket No. 03-66 – *EX PARTE PRESENTATION*

Dear Mr. Degani and Ms. Bender:

We appreciated the opportunity to meet with you on July 14 to discuss the 2014 EBS Consensus Proposal for a new EBS licensing process. You raised important questions during our meeting. Below is additional information in response to your questions. We would welcome the opportunity to address these issues further during a follow up meeting.

We feel strongly that the licensing process set out in the Consensus Proposal can contribute to the Chairman's goals to bridge the digital divide, advance mobile wireless services, and forge new opportunities for business. Moreover, licensing EBS in the remaining areas of the country would open up valuable educational opportunities to approximately 12,700 schools, colleges, and universities, many of which are located in regions where there is not sufficient or widespread access to broadband today.

The Consensus Proposal does rely on a licensing mechanism (first-come/first-served) that does not trigger the competitive bidding requirements of Section 309(j) of the Communications Act. We believe that this is an appropriate approach for EBS and that we were invited by the Commission in the 2008 rulemaking notice, at paragraphs 187-188 (attached), to offer an option that would not rely on auctions. Below is the relevant language from that notice:

187. Notwithstanding the Commission's prior determinations that applications for initial EBS spectrum licenses are not exempt from competitive bidding under the Communications Act, today, we seek comment on a mechanism for assigning EBS licenses by competitive bidding among applicants, as well as through other means that would avoid mutual exclusivity among applications, obviating any need for competitive bidding. In considering the range of options for licensing unassigned EBS spectrum, we note that many educators otherwise eligible for EBS licenses may not be able to participate in competitive

bidding for licenses, which the Communications Act would require before the Commission could grant one of multiple pending mutually exclusive applications for an EBS license. For example, public and educational institutions may be constrained from participating in competitive bidding by statutory or institutional constraints, such as mandates regarding budget processes. Indeed, past debate regarding how to correctly assess the relative attributable revenues of potential EBS licensees reflects the fact that such resources may be difficult to quantify. Even if there is no absolute bar to an educational institution or non-profit educational organization participating in a spectrum license auction, educators may be reluctant or unable to devote time, personnel and money to such an auction. Given the benefits that EBS can provide to educators, we believe it is appropriate to evaluate potential alternatives to a licensing scheme based upon competitive bidding.

188. We find that our prior decisions to set aside this spectrum for educators and educational uses makes it appropriate to consider how to license this spectrum in a manner that provides all potential eligible licensees with a full opportunity to access the spectrum. As noted above, given various characteristics of eligible EBS licensees that are unique among potential Commission licensees, a licensing mechanism that depends on competitive bidding to assign licenses may not provide many otherwise eligible EBS licensees with a full opportunity to participate. Accordingly, we seek further comment on the appropriate licensing mechanism for new EBS licenses. We do so without prejudging the appropriate time for issuing new EBS licenses, whether pursuant to competitive bidding or an alternative assignment mechanism.

Regarding the proposed use of county boundaries for future EBS licensing, the recommendation to license EBS on a county-by-county basis rather than the current 35-mile radius circle model was based on feedback from Wireless Telecommunications Bureau to enable EBS licensing to better conform with ULS capabilities and to facilitate spectrum screen review for leased EBS spectrum, which is conducted on a county-by-county basis. In order to begin licensing new EBS stations on a county-by-county basis, it was necessary to first conform existing licenses to county boundaries. We acknowledge that, for some licensees, this could mean that their license might extend beyond what might be their natural service area, for example the boundaries of a public school district. However, many EBS licensees are not public school districts, but private schools, colleges, universities, early childhood care centers, etc. whose service areas are not tied to a specific county. Even within K-12, there are independent school districts and private schools, such as those within Catholic dioceses, which serve areas unrelated to county boundaries. The same issue arises already with the circular GSAs. GSA boundaries do not always coincide with the desired service area of a licensee.

The issue of localness in EBS licensing is one that the FCC has grappled with for decades, but the FCC long ago determined to allow entities not physically located in the service area of a station to hold licenses, so long as they demonstrated that they would provide service to accredited schools within the service area. Many members of NEBSA are licensees that hold multiple licenses based on their service missions, for example Mississippi EDNET, Oklahoma OneNet, and South Carolina Educational Television are all statewide educational networks. VegasPBS extends into three states and therefore, provides education services to schools and communities located in all three.

We look forward to your feedback and continued discussions regarding these issues.

Sincerely,

/s/ Lynn Rejniak

Lynn Rejniak
Chair, National EBS Association

/s/ David G. Moore

David G. Moore
President, Catholic Technology Network